

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOSHUA DEAN MURRAY,

Plaintiff,

V.

**GEORGIA DEPARTMENT
OF CORRECTIONS, *et al.*,**

Defendants.

NO. 5:22-cv-00455-MTT-MSH

ORDER OF DISMISSAL

Plaintiff Joshua Dean Murray, a prisoner in Macon State Prison in Oglethorpe, Georgia, filed a 42 U.S.C. § 1983 complaint. Compl., ECF No. 1; Am. Compl., ECF No. 4. Plaintiff also filed a motion for leave to proceed in this action *in forma pauperis*. Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 5. Plaintiff's motion for leave to proceed *in forma pauperis* was granted, and Plaintiff was ordered to recast his complaint if he wanted to proceed with this action. Order, ECF No. 6. Plaintiff was given fourteen days to file his recast complaint and was cautioned that his failure to do so could result in the dismissal of this action. *Id.*

More than fourteen days passed following entry of that order, during which Plaintiff did not file a recast complaint or otherwise respond to the order. Therefore, Plaintiff was ordered to show cause to the Court why this case should not be dismissed for failure to file his recast complaint. Order to Show Cause, ECF No. 7. Plaintiff was given fourteen days to respond and was cautioned that his failure to do so would likely result in the dismissal of this case. *Id.*

More than fourteen days have now passed since the show cause order was entered,

and Plaintiff has not responded to that order. Therefore, because Plaintiff has failed to respond to the Court's orders and has otherwise failed to prosecute this case, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 9th day of May, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT